

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

STAMBAUGH'S AIR SERVICE, INC.,	:	
	:	
Plaintiff	:	CASE NO: 1:00-CV-0660
	:	
v.	:	
	:	
SUSQUEHANNA AREA REGIONAL	:	
AIRPORT AUTHORITY, BAA	:	Chief Judge Yvette Kane
HARRISBURG, INC., DAVID FLEET,	:	Magistrate Judge Smyser
individually, DAVID HOLDSWORTH,	:	
individually, and DAVID S. McINTOSH,	:	
individually,	:	
	:	
Defendants	:	

**PLAINTIFF'S *NUNC PRO TUNC* MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF 10,000 WORDS**

NOW COMES Plaintiff, Stambaugh's Air Service, Inc. ("Plaintiff"), by and through its counsel, Cunningham & Chernicoff, P.C. and files the within *Nunc Pro Tunc* Motion for Leave to File Brief in Excess of 10,000 Words as follows:

1. Defendants filed their Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment on July 9, 2007.
2. Plaintiff, simultaneously with this Motion, has filed its Response and Brief in Opposition to Defendants' Summary Judgment Motion.
3. Plaintiff's counsel was intent on doing a thorough job on the dispositive Motion and supporting Brief in order to fully represent the

interests of their client in obtaining Judgment in this Action.

4. Due to the lengthy, complex nature of this litigation, the number of depositions and the number of counts and categories of damages alleged, Plaintiff experienced difficulty in fully addressing and supporting its arguments opposing Summary Judgment within the 10,000 word limit.
5. Plaintiff made every effort to adhere to the word limit, but inadvertently exceeded it.
6. Plaintiff respectfully requests that this Court grant *nunc pro tunc* leave to file its Brief in Opposing Motion for Summary Judgment, which exceeds the word limit.
7. Plaintiff does not believe that Defendants will be harmed or prejudiced if said Motion is granted.
8. Counsel for Defendants concur in this Motion.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant its Motion allowing Plaintiff to file a Brief that contains additional words in excess of the 10,000 word limit, or in the alternative, in the interest of judicial economy, request that this Court decline to strike Plaintiff's oversized Brief and expect Plaintiff's strict compliance with this Local Rule in the future.

Respectfully submitted,

Date: July 24, 2007

By: /s/ Jordan D. Cunningham

Jordan D. Cunningham, Esquire

PA ID No: 23144

Kelly M. Knight, Esquire

PA ID No: 87365

2320 North Front Street

Harrisburg, PA 17110

Telephone: (717) 238-6570